

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAN F. BECKER,

Petitioner,

Case No. 1:06-cv-888

v.

Honorable Richard Alan Enslen

STEWART C. HUDSON, *et al.*,

Respondents.

ORDER OF DISMISSAL

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. In February 2001, Petitioner was convicted in the Holmes County, Ohio Circuit Court on eight counts of third-degree gross sexual imposition, OHIO REV. CODE ANN. § 2907.05; nine counts of first-degree felonious sexual penetration, OHIO REV. CODE ANN. § 2907.12; and one count of first-degree rape, OHIO REV. CODE ANN. § 2907.02. He was sentenced to three life sentences.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d). Petitioner is presently incarcerated at the Mansfield Correctional Institution, located in Richland County, Ohio. As set forth above, Petitioner was convicted in Holmes County, Ohio. Holmes County and Richland County are located in the Northern District of Ohio. 28 U.S.C. § 115(a). Venue, therefore, lies in that district, not in the Western District of Michigan. Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** for lack of venue pursuant to 28 U.S.C. §§ 1391(b) and 2241(d). It is noted that the Court has not reviewed Plaintiff's Complaint under Rule 4 of the Rules Governing § 2254 Cases.

DATED in Kalamazoo, MI:
February 13, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE